

#31/H 58  
11/17/03**Nixon & Vanderhye PC**

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(703) 816-4406**FACSIMILE COVER SHEET**  
**PLEASE DELIVER IMMEDIATELY!!!!**

Our Ref.: 2528-2  
Your Ref.: 09/023,483 Date: October 16, 2003

To: Examiner J. Tung  
Firm: U.S. Patent and Trademark Office  
Facsimile No.: 703 746-5184  
From: Gary Tanigawa


Number of Pages (including cover sheet): 24  
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PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

FACSIMILE OPERATOR

**MESSAGE:**

Per our conversation of today, attached is our Amendment Under 37 CFR §1.312 filed on August 20, 2003 along with the stamped PTO postcard receipt.

Please let me know as soon as possible if the amended claims will be issued in the patent. It is scheduled for publication on October 21, 2003.

  
Gary Tanigawa  
Reg. No. 43, 180**CONFIDENTIALITY NOTE**

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Serial No.: 09/023,483  
Inventor/s: HEROUX et al.  
Title: ASSAY METHODS FOR NUCLEIC ACID IN A  
SAMPLE

C#/M#: 2528-2

Atty: Gary R. Tanigawa

Date: August 20, 2003

**AMENDMENT UNDER 37 CFR §1.312**\$ Fee (Check) - **Pre-Bill**

\$ Fee (Check) - Non Pre-Bill

**\$0.00 Total Fee Enclosed**

Other:



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2528-2

C# M#

**RESPONSE UNDER RULE 312  
EXPEDITED HANDLING  
PROCEDURES**

HEROUX et al.

Group Art Unit: 1637

Serial No. 09/023,483

Examiner: J. Tung

Filed: February 13, 1998

Date: August 20, 2003

Title: ASSAY METHODS FOR NUCLEIC ACID IN A SAMPLE

**Mail Stop Issue Fee**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**AMENDMENT UNDER 37 CFR §1.312**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment 97 minus highest number  
previously paid for 97 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 13 minus highest number  
previously paid for 19 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered, filed☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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ART:ap

NIXON &amp; VANDERHYE P.C.

By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 